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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,191	06/16/2005	Johannes Beer	2002P20431WOUS	2694

28524 7590 03/08/2006

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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TRAN, BINH Q

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/539,191

Applicant(s)

BEER ET AL.

Examiner

BINH Q. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/2005; 08/2005</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

Receipt and entry of Applicant's Preliminary Amendment dated June 16, 2005 is acknowledged.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

***Claims 8-14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Shiraishi et al. (Shiraishi) (Patent Number 6,574,961).***

Regarding claim 8, Shiraishi discloses a method for heating an exhaust gas catalyst (11, 17) of an internal combustion engine (1) having, an inlet tract with a throttle valve (3) arranged within the inlet tract, a combustion chamber (22) with gas exchange valves in the form of an inlet and outlet valve (13, 14) , an exhaust line with an exhaust gas catalyst arranged the exhaust line, a blower device (31) for pre-compressing the air supplied to the combustion chamber, a device (7, 8) for setting the valve overlap and valve lift of the gas exchange valves, an injection valve (12) for injecting fuel directly into the combustion chamber, a device that determines the amount of fuel required to be injected for homogenous operation of the internal combustion engine, and after detection of a cold-start of the internal combustion engine; comprising: switching to a lower valve lift and increasing the induction manifold pressure by completely opening the throttle valve and pre-compression of the air by supercharging, in order to generate a positive pressure drop from the inlet side to the outlet side of the internal combustion engine (e.g. See col. 5, lines 40-67; col. 5, lines 1-58); setting the valve overlap of the gas exchange valves in order to deliver at least part of the air supplied by the blower device as flushing air directly from the inlet side to the outlet side of the internal combustion engine in the exhaust line; and injecting fuel directing into the combustion chamber so that injection begins after closure of the outlet valve (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

Regarding claim 9, Shiraishi further discloses that the coolant temperature is used as a criterion for a cold-start of the internal combustion engine (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

Regarding claim 10, Shiraishi further discloses that the coolant temperature and the shutdown time of the internal combustion engine and/or the ambient temperature are used as a

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criterion for a cold-start of the internal combustion engine (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

Regarding claim 11, Shiraishi further discloses that the values for the valve lift are experimentally determined and entered in a storage device of a control device regulating and controlling the internal combustion engine (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

Regarding claim 12, Shiraishi further discloses that the values for the valve overlap are entered in a storage device of a control device controlling the internal combustion engine, depending on operating parameters of the internal combustion engine (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

Regarding claim 13, Shiraishi further discloses that the aspirated air mass, the speed and the monolith temperature are used as operating parameters for the internal combustion engine (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

Regarding claim 14, Shiraishi further discloses that ignition angle is impeded (e.g. See Figs. 3-11; col. 6, lines 59-67; col. 7, lines 1-65).

#### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents:

Shiraishi et al. (Pat. No. 6564763), Strom et al. (Pat. No. 6840237), Morinaga et al. (Pat. No. 6898927), and Fujieda et al. (Pat. No. 6148791) all disclose an exhaust gas purification for use with an internal combustion engine.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT  
February 28, 2006



Binh Q. Tran  
Patent Examiner  
Art Unit 3748